

Remarks

With entry of this amendment, claims 1-9 and 12-51 are pending. Claims 8-9 and 12-51 have been withdrawn from consideration. Claims 10 and 11 have been canceled. Thus, claims 1-7 are under examination. Reconsideration is respectfully requested.

Claims 1-7, 10 and 11 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.

The applicant has amended the claims by changing the term "model non-human animal" to "model mouse". By this amendment, it is believed that the Examiner's rejection concerning the description requirement is no longer applicable to the claims. Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 1-7, 10 and 11 are rejected under 35 U.S.C. 112, first paragraph, as not being enabled. The Examiner has indicated that the breadth of the claims is broad, the amount of guidance and working example is limited, and that undue experimentation would be required to overcome these problems.

The Examiner has taken the position that at the time the application was filed, the ES cells were not available in species other than the mouse, and thus that the claims of the application are not enabled.

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Amendment dated October 29, 2003
Reply to Office Action of July 29, 2003

Concerning this rejection, the applicant has amended the claims by changing the term "model non-human animal" to "model mouse" By this amendment, it is believed that the Examiner's rejection concerning the availability of ES cells is no longer applicable to the claims. Reconsideration and withdrawal of the rejection are respectfully requested.

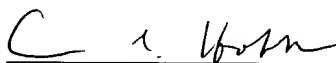
It is believed that the application is in condition for allowance, and Notice to that effect is respectfully requested. Should the resolution of any minor issues be necessary to place the application in condition for allowance, the Examiner is kindly invited to telephone the undersigned at the designated telephone number.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided.

A Notice of Allowance with claims 1-7 is respectfully requested.

Respectfully submitted,

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